



CAU 1645 \$  
PATENT  
Atty. Docket No. CRP-070FWCN2  
(2054/39)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT(S): Rueger *et al.*

SERIAL NO.: 08/937,756

GROUP NO.: 1645

FILED: September 25, 1997

EXAMINER: Hayes, R

TITLE: Morphogen-Induced Nerve Regeneration and Repair

**CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8**

I hereby certify that this correspondence, and any documents referred to as enclosed therein, is/are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Assistant Commissioner for Patents, Washington, DC 20231 on Monday, December 14, 1998.

Kimberly A. Terrio

Assistant Commissioner for Patents  
Washington, D.C. 20231

**RESPONSE TO RESTRICTION REQUIREMENT**

Dear Sir:

This paper is responsive to the Restriction Requirement for the above-identified patent application, mailed from the U.S. Patent and Trademark Office on October 13, 1998. A petition for a one month extension of time and the appropriate fee are enclosed.

According to the Office Action, the Examiner has requested restriction under 35 U.S.C. §121 between claims 82, 84-87, 90-91, 93-94, 96-97, 99-100, and 102-104 (Group I), drawn to methods of treating ALS, or spinal cord motoneurons, comprising administering a morphogen, classified in class 514, subclass 12, and claims 83, 89, 92, 95, 98, 101 and 103-104 (Group II), drawn to methods of treating multiple sclerosis (i.e.,

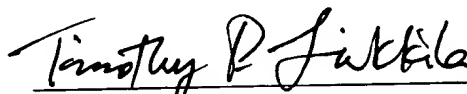
as it relates to oligodendrocytes/myelination/demyelination) comprising administering a morphogen, classified in class 514, subclass 12.

In response to the requirement for restriction, Applicants hereby provisionally elect *with traverse* the claims of **Group I**, namely, **claims 82, 84-87, 90-91, 93-94, 96-97, 99-100 and 102-104**. Reconsideration of the restriction requirement is respectfully requested, in view of the arguments presented below.

Applicants invention is drawn to methods for use in the treatment of diseased or injured neural tissue. Applicants submit that the claim groups are linked by common elements necessary to patentability of the claims in each group, i.e., administering a morphogen to induce regeneration of neural cells to aid in treatment of a variety of neural tissue disorders or injuries. As noted by the Examiner, the subject matter of all claims falls within class 514, subclass 12. Applicants submit, therefore, that a search of the relevant art for the claims of Group I necessarily likely would include a search of the art for the claims of Group II. As all the groups are related by common subject matter, Applicants submit that all the pending claims should be examined together in this application. Accordingly, Applicants respectfully request that the requirement for restriction be reconsidered and withdrawn.

The Examiner is invited to call the undersigned at (617) 248-7317 with any questions regarding this communication.

Respectfully submitted,



Timothy P. Linkkila  
Attorney for Applicants(s)  
Testa, Hurwitz, & Thibeault, LLP  
High Street Tower  
125 High Street  
Boston, Massachusetts 02110

Date: December 14, 1998  
Reg. No. 40,702

Tel. No. (617) 248-7045  
Fax: (617) 248-7100